

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA

Brandon Lee Rupprecht,

Petitioner,

-vs-

Colby Braun, Warden,

Respondent.

Case No. 3:16-cv-26

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

The court has received a Report and Recommendation from the Honorable Alice R. Senechal, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending that Brandon Lee Rupprecht's habeas petition be dismissed without prejudice.<sup>1</sup>

The court, having reviewed the Report and Recommendation and the entire file, finds the magistrate judge's analysis is appropriate. The court hereby **ADOPTS** the Report and Recommendation in its entirety. For the reasons set forth therein, Respondent's motion to dismiss<sup>2</sup> is **DENIED**. Rupprecht's motion to dismiss<sup>3</sup> is **GRANTED** and his habeas petition is **DISMISSED** without prejudice.

**IT IS SO ORDERED.**

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated this 8th day of August, 2016.

*/s/ Ralph R. Erickson*  
Ralph R. Erickson, Chief Judge  
United States District Court

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<sup>1</sup> Doc. #18.

<sup>2</sup> Doc. #10.

<sup>3</sup> Doc. #16.